

Service Date: February 12, 2003

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

\* \* \* \* \*

IN THE MATTER OF	)	UTILITY DIVISION
Tariff Transmittal QLDC02-01	)	
by Qwest LD Corp. d/b/a Qwest Long Distance	)	DOCKET NO. D2002.12.153
Initial Tariff and Price List for Qwest Long	)	
Distance	)	ORDER NO. 6479a

**ORDER ON MOTION FOR INTERIM RELIEF**

**Background**

1. On December 9, 2002 Qwest filed on behalf of Qwest Long Distance Corporation (d/b/a Qwest Long Distance or QLD) an initial tariff and price list pages for QLD. The filing requested an effective date of December 23, 2002.
2. Through a Notice of Commission Action (NCA) December 23, 2002, the Commission authorized QLD to use the existing IntraLATA tariff and prices lists on file for Qwest Corporation in the InterLATA market. That authorization was conditioned on the FCC's approval of Qwest's application to offer InterLATA service in Montana.
3. QLD on December 26, 2002 filed a "Response to the Commission's Comments at the December 20, 2002 Work Session and Request for Action on an Emergency Basis by December 31, 2002," which was treated as a motion for reconsideration of the NCA dated December 23, 2002. On December 30, 2002, the Commission took action, treating QLD's response filing and comments filed on December 26, 2002 as a motion for reconsideration, and denying that motion. The denial leaves in effect the NCA dated December 23, 2002. QLD was authorized to use existing IntraLATA tariffs and price lists on file for Qwest Corporation in the InterLATA market subject to the commission's decision, set forth above.
4. On January 22, 2002, QLD filed a Motion for Interim Relief and a Brief in Support of its Request for Interim Relief (Motion and Brief). In a regularly scheduled work session held February 5, 2003 the Commission acted on QLD's January 22, 2002 Motion and Brief.

**Findings of Fact**

5. Qwest is allowed to implement on an interim basis the December 9, 2002 filing but with the following modifications.

6. First, QLD is allowed to implement the two residential rate plans that allow for unlimited calling. However, instead of the 5,000 minutes of use in the QLD tariff, QLD must limit calling to no more than 1,250 minutes.

7. Second, QLD must address the concern raised by the Commission staff (in the December 18, 2002 work session) to lower the 1.5% late payment charge to 1.0% (Section 2.2.7 B.).

8. Third, QLD must address the concerns raised by Commission staff regarding certain terms and conditions in the proposed tariff at Sections 2.2.3.H, 2.2.7.B, 2.2.7.K, 2.2.11.A, 2.2.11.C, 2.2.11.E, 2.2.11.F, and 3.2.18.B.7;

9. Fourth, QLD must address the concerns raised by Ronan Telephone in its 2/3/2003 response to Qwest's motion for interim relief regarding Sections 2.2.3.G and 2.2.4 of the proposed tariff.

10. Fifth, for business customers taking service on QLD's Long Distance Advantage plan under contract, QLD must allow the customers to cancel their contract without penalty for early termination. Such cancellation must be allowed if the Commission finds that the rates are too low.

11. Qwest and QLD agree that until QLD is able to offer long distance service to customers other than customers of Qwest, both companies will limit their outbound telemarketing to existing Qwest customers. While there is absolutely no evidence that QLD must join the offerings of local and toll services, and because the Commission understands that this is very likely of extreme short duration, the agreement appears harmless and is a condition of this interim approval.

**Conclusions of Law**

1. The Commission has authority to supervise, regulate and control public utilities.

Section 69-3-102, MCA. QLD is a public utility offering regulated telecommunications services in the State of Montana. Section 69-3-101, MCA.

2. Every public utility shall file with the commission tariffs that are in force at the time any service is to be performed by it within the State of Montana. Section 69-3-301, MCA.

**Order**

THEREFORE, based upon the foregoing, it is ORDERED that QLD is allowed to implement on an interim basis the December 9, 2002 filing with the modifications set forth in this Order, and subject to a compliance tariff being received and approved by the Commission that conforms with the terms set forth in this Order.

DONE AND DATED this 5th day of February, 2003, by a vote of 3 to 2.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

---

BOB ROWE, Chairman

---

THOMAS J. SCHNEIDER, Vice Chairman

---

MATT BRAINARD, Commissioner  
Voting to Dissent

---

GREG JERGESON, Commissioner  
Voting to Dissent

---

JAY STOVALL, Commissioner

ATTEST:

Rhonda J. Simmons  
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision.  
A motion to reconsider must be filed within ten (10) days. See ARM 38.2.4806.